

S. AMANDA MARSHALL, OSB # 95347

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No.: '12-MC-298'

Petitioner,

v.

**STATE OF OREGON PRESCRIPTION
DRUG MONITORING PROGRAM,**

**DECLARATION OF LORI A. CASSITY
IN SUPPORT OF PETITION TO
ENFORCE DEA ADMINISTRATIVE
SUBPOENA**

Respondent.

Pursuant to 28 U.S.C. § 1746, Lori A. Cassity declares under penalty of perjury that the information stated hereafter is true and correct:

1. I, Lori A. Cassity, am a Supervisory Special Agent of the United States Drug Enforcement Administration (DEA). I have been a Special Agent with the DEA for 29 years, of which approximately 13 of those years I have supervised criminal investigations targeting violations of the Controlled Substance Act. Pursuant to 21 U.S.C. § 878(a)(2), I have authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas

and summonses issued under the authority of the United States.

2. Title 21 U.S.C. § 876 empowers the Attorney General to issue administrative subpoenas in any investigation involving controlled substances. This authority has been delegated to the Drug Enforcement Administration under Title 28 C.F.R. § 0.100. DEA policies and procedures direct that administrative subpoenas issued as a result of this delegation may only request records relevant to a DEA investigation and that are lawfully available to DEA with an administrative subpoena. Records received by DEA, in response to an administrative subpoena, are case sensitive and governed by significant restrictions on the dissemination of information contained in received records, subjecting employees to discipline, termination, as well as civil and criminal sanctions for improper disclosure.

3. I am currently the Group Supervisor for the DEA Portland Tactical Diversion Squad. In this capacity, I am responsible for criminal investigations initiated and conducted targeting violations of the Controlled Substance Act, specifically those involving the diversion of pharmaceutical controlled substances from their lawful, intended purpose, to illicit use.

4. The diversion of pharmaceutical controlled substances is directly attributed to the rising nationwide rates of prescription drug abuse and overdose deaths and often begins with a prescription. The prescription may be fraudulently obtained by a patient, unlawfully issued by a physician or filled by a pharmacy. Ultimately, it is required that a DEA investigation targeting criminal diversion of pharmaceutical controlled substances determine whether the issuance, receipt or fulfillment of a physician's prescription is conducted in accordance with applicable laws. The Oregon Prescription Monitoring Program (PMP) is the only resource available to the DEA where information addressing each of these three actions is consolidated.

5. Expeditious, yet accountable access to this data compiled by the Oregon PMP will

be a crucial tool for DEA in its attempt to successfully stem the growth of pharmaceutical controlled substance abuse in Oregon, through the performance of timely and thorough investigations.

6. Given the DEA's current investigatory practices, I anticipate that we will issue additional administrative subpoenas to the Oregon PMP approximately two times a month for the foreseeable future.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of August, 2012, at Portland, Oregon.



LORI A. CASSITY
Group Supervisor
Portland Tactical Diversion Squad
Drug Enforcement Administration